

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.992 OF 2006
IN
CRIMINAL APPEAL NO.871 OF 2006

Vijay @ Abhay Raghunath Modhkar & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

Ms Anjali Patil for the Applicants.

Shri A.S.Shitole, A.P.P for the Respondent.

CORAM : A. S. OKA, J.

DATE : DECEMBER 12, 2006.

P.C.:

1. Heard the Advocate for the Applicant and the learned A.P.P for the State. The Application is by the accused Nos.5 and 6 who have been convicted for offences under section 120(B), section 307 and section 395 read with section 397 of the Indian Penal Code. The sentences have been ordered to run concurrently. Both the Applicants were on bail till the conclusion of the trial. It is not in dispute that both the Applicants have undergone sentence for a period of four years and two months considering the period of pretrial detention. The substantive sentence is of rigorous imprisonment for seven years. My attention has been

invited to the notes of evidence. Considering the role ascribed to the Applicants and considering the argument regarding delay in holding Identification Parade, a case is made out for enlarging the Applicants on bail subject to stringent conditions.

2. Hence, I pass the following order:

- (i) The Applicants Vijay @ Abhay Raghunath Modhkar and Dinesh Shyam Jadhav, respectively, shall be enlarged on the bail in the sum of Rs.15,000/- each with one or two local sureties in the like amount.
- (ii) Bail is granted subject to condition that the Applicants will report to the M.I.D.C. Police Station, Mumbai on first and third Saturday of every calendar month till the disposal of the Appeal.
- (iii) Order granting bail will be given effect only after the fine amount is deposited, if not deposited till today.

JUDGE